

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**A CHAPTER 7 PROCEEDING**

In re:

**MICHAEL S. HELMSTETTER and  
WESTERN AVENUE NISSAN, INC.,**

Debtor(s).

Case No. 19-28687

Judge Jacqueline P. Cox

Trustee David Herzog

**NOTICE OF AND MOTION TO EXTEND TIME TO FILE SCHEDULES  
AND TO PROVIDE REQUIRED INFORMATION**

**Please take notice** that on **October 30, 2019 at 9:30 a.m.**, or as soon thereafter as Counsel may be heard, I shall appear before the Honorable Judge Presiding in courtroom **680** of the Dirksen Federal Building, located at 219 S. Dearborn Street, Chicago, Illinois, and shall then and there present the attached motion, a true and correct copy of which is attached and served upon you by this Notice. THIS MOTION MAY BE GRANTED AS A ROUTINE MOTION, IF SO YOU MUST REQUEST AS SUCH TO BE HEARD IF YOU WISH

**CERTIFICATE OF SERVICE**

I, the undersigned attorney, state pursuant to Local Rule 9013 this Notice and Motion and all attachments were filed on the **October 23, 2019**, and served on all Parties identified as Registrants, on the date this notice was filed electronically with the Clerk of the U.S. Bankruptcy Court, through the Court's Electronic Notice of Registrants, and, as to all other parties as indicated on the service list attached by facsimile and by First Class Mail to the addresses shown by mailing a true and correct copy of same in a properly addressed envelope, postage paid, and deposited with the U.S. Mail at 1016 W. Jackson Boulevard, Chicago, IL.

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Chicago, Illinois 60607  
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[theresa@benjaminlaw.com](mailto:theresa@benjaminlaw.com)

/s/ Theresa Benjamin

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SERVICE LIST

FIRST CLASS MAIL: Debtor, 465 N. Park Dr., #308, Chicago, Illinois 60611

Electronically: U.S. Trustee Patrick S. Layng [USTPregion11.es.ecf@usdoj.gov](mailto:USTPregion11.es.ecf@usdoj.gov)  
Trustee David Herzog (VIA ECF)

**All Other Creditors Via First Class Mail: see creditor matrix attached**

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EASTERN DIVISION**

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WESTERN AVENUE NISSAN, INC.,**

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**MOTION TO EXTEND TIME TO FILE SCHEDULES  
AND TO PROVIDE REQUIRED INFORMATION**

**COMES NOW** the above named debtors, **MICHAEL S. HELMSTETTER and  
WESTERN AVENUE NISSAN, INC.** (the “Movant”), by and through their attorneys of  
record, Theresa Benjamin, J. Kevin Benjamin and Benjamin | Brand | LLP, and respectfully  
moves this Court to enter an Order extending the time in which Movant will be allowed to file  
(1) a schedule of assets and liabilities; (2) a schedule of current income and current expenditures;  
(3) a statement of debtors financial affairs; (4) statement of the amount of monthly net income;  
and (5) a plan of reorganization, required by § 521(a)(1)(B)(i)(ii)(iii)(v) and § 1321 of Title 11 of  
the United States Bankruptcy Code (the “Bankruptcy Code”) and Rules 1007(b)(1)(A)(B)(D) of  
the Federal Rules of Bankruptcy Procedure (the Bankruptcy Rules”), and subject to further  
orders of this Court. In support of this motion (the “Motion”), the Movants respectfully state and  
show unto the Court as follows:

**JURISDICTION & VENUE**

1. The United States Bankruptcy Court for the Northern District of Illinois (the “Court”)

1 has jurisdiction to hear this matter and enter a final order granting the relief requested herein  
2 pursuant to 28 U.S.C. §§ 157, 1334 and Internal Operating Procedure 15(a) of the United States  
3 District Court for the Northern District of Illinois, which states that “Pursuant to  
4 28 U.S.C. §157(a), any and all cases under Title 11 U.S.C. and any and all proceedings arising  
5 under Title 11 U.S.C. or arising in or related to any case under Title 11 U.S.C. are referred to the  
6 bankruptcy judges of this District”.

8 2. By Internal Operating Procedure 15(a) of the United States District Court for the  
9 Northern District of Illinois, which states “Pursuant to 28 U.S.C. §157(a), any and all cases under  
10 Title 11 U.S.C. and any and all proceedings arising under Title 11 U.S.C. or arising in or related  
11 to any case under Title 11 U.S.C. are referred to the bankruptcy judges of this District,” the  
12 District Court has referred all bankruptcy cases to the Bankruptcy Court for initial determination,  
13 as permitted by 28 U.S.C. § 157(a).

15 3. This is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2)(A).

16 4. Venue is proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409.

17 5. The predicate for the relief requested herein are Rules 1007(b)(1)(A)(B)(D) of the  
18 Federal Rules of the Bankruptcy Rules and § 521(a)(1)(B)(i)(ii)(iii)(v) and § 1321 of the  
19 Bankruptcy Code.

20 **FACTUAL BACKGROUND AND REQUEST FOR EXTENSION**

21  
22 6. Debtor filed this instant voluntary request for relief under Chapter 7 of the Bankruptcy  
23 Code on October 9, 2019 on an emergency basis.

24 7. Due to the complex nature of the Movant’s assets, liabilities and related litigation in  
25 various jurisdictions, and the conflicting schedules of Debtor and counsel, and counsel having  
26 various overlapping deadlines on other matters and the unexpected need to expedite extensive  
27 discovery on a separate matter, Debtor requires additional time to complete the due diligence,  
28

1 review, sign and file the balance of the emergency filing. The Debtor has committed to come to  
2 the office the week of November 1, 2019 to meet with counsel to complete, review, sign and file  
3 the balance of the schedules and all disclosures as may be necessary and required and produce all  
4 required information.

5 8. The section 341 meeting of creditors is scheduled to occur on November 26, 2019.

6 9. Due to the reasons provided above, Debtor requests additional time to complete and  
7 file Debtor's schedules, and required statements and provide all required information.  
8

9 10. Debtor brings this motion in good faith and for no improper purpose and the parties in  
10 interest would not be materially or unduly prejudiced by the grant of this request.

11 **WHEREFORE**, Debtor respectfully requests an order be entered extending the deadline  
12 for filing schedules and providing required information to through and including November 4,  
13 2019 and such other and further relief as this Court deems just and necessary under the  
14 circumstances.  
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16  
17 October 23, 2019

Respectfully Submitted,

BENJAMIN | BRAND | LLP

/s/ Theresa Benjamin

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